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In re Application of
Garry A. Mercaldi et al
Application No. 09/285,773
Filed: April 5, 1999
Attorney Docket No. M4065.165/P1

**OFFICE OF PETITIONS
ON PETITION**

This is a decision on the petition under 37 CFR 1.137(b), filed June 4, 2003, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed July 16, 2002, which set a shortened statutory period for reply of one (1) month. A reply was received on July 31, 2002 but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on August 17, 2002.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (703) 305-9282.

The application file is being forwarded to Technology Center AU 1765.


Wan Laymon

Petitions Examiner
Office of Petitions
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for Patent Examination Policy